

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

JUNE 4, 2015; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY, JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, DAVID PRICE, SCOTT CARTER
AND THIEDA WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Mayor Stevenson gave the invocation. Scouts and students were welcomed.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown said this Saturday was free fishing day in Utah. She said in conjunction with that the Family Recreation Program would be hosting a fishing activity from 10:00 a.m. to noon at Andy Adams pond. Councilmember Brown said there would be prizes and fishing poles available to use.

Councilmember Brown said in conjunction with the July 4th celebration, the City was looking for veterans that had served from 2001 to the present to be honored as Hometown Heroes. She said nomination forms were available at any First National Bank of Layton or on the City's website.

CITIZEN COMMENTS:

Ja Eggett, 1548 East 2050 North, thanked the Mayor and Council for the opportunity they had given the citizens to speak in meetings. He said he would like to make a few comments about the Eastridge Park PRUD that the Council gave preliminary approval to several Council meetings ago. Mr. Eggett said he planned on making his comments at the last meeting, but the Mayor was not in attendance and he wanted to make sure he made his comments when the entire Council was present.

Mr. Eggett said his comments had less to do with the project and more to do with the process they went through with the project. He said early on in the process, when the Mayor invited the residents to meet with the developer and City Staff to try and address their concerns, they were really encouraged by that. Mr. Eggett said the Mayor stated that he hoped the citizens and the developer could reach consensus, and that the citizens could stand in support of that project. He said however, in the Council meeting where the preliminary approval was granted, the meeting was structured such that the residents weren't allowed to make those comments. Mr. Eggett said the only thing they could surmise was that the Mayor understood that they hadn't taken the process far enough to reach that consensus.

Mayor Stevenson said when they sat in the meeting two days before the approval was granted, he pointed out and informed Mr. Merkley that he had a question, and that he would be more than welcome to ask that question. He said other than that, he felt everything had been completed and discussed.

Mr. Eggett said he understood that, but they still didn't even have the opportunity to get up and stand in support of the project. He said the second point he would like to make dealt with the meetings they were invited to participate in with the Staff and developer. Mr. Eggett said they were very encouraged by the opportunity to be a part of that process, but they were very disappointed that the Mayor did not remain a neutral party in those meetings; in fact he became the developer's champion and argued his points, and in many cases providing the developer with reasons for not listening to the citizens. He said that took the developer's comments from, "well I'll look into that, I'll see if we can accommodate that" to "we will not

even consider those options.” Mr. Eggett said he felt that this was because they didn’t have their citizens’ representatives remaining neutral in that forum.

Mr. Eggett said the last item he would like to address was more project related. He said with several of the items that the citizens brought forward, the City indicated that they were things the City needed to address and were outside the purview of the development, particularly safety issues with Antelope Drive. Mr. Eggett said they agreed that there were items the City needed to address, but those items were such that they were an issue now, regardless of the development. He said they felt that those items should be addressed and mitigated before the project was given approval. Mr. Eggett said moving toward final approval of this project, they would hope that the Mayor and City Council would recognize that there were issues now that would only get worse; they would like them addressed before final approval was given. He thanked the Mayor and Council for their time.

CONSENT AGENDA:

MAYORAL AND COUNCIL SUPPORT OF PLACING AN OPINION QUESTION ON THE NOVEMBER 3, 2015, BALLOT ASKING LAYTON CITY RESIDENTS’ OPINION REGARDING IMPOSITION OF A RAMP TAX – RESOLUTION 15-36

Scott Carter, Special Projects Manager, said Resolution 15-36 would move forward with the placing of an opinion question on the November ballot for a RAMP tax. Scott said State law talked about funding botanical, cultural, recreational, and zoological organizations and facilities, but the City was specifically talking about funding recreation, arts, museum and parks. He said Resolution 15-36 provided for an affirmation by the Council and Mayor to move forward with placing that RAMP tax on the ballot on November 3rd.

Scott said the Council had previously adopted Resolution 15-17, which requested that the County allow the City to move forward with the RAMP tax; this resolution was an affirmation that the City would move forward with placing it on the ballot, and also give affirmation to a citizens group that was working toward trying to promote the RAMP tax.

Scott said Staff recommended that the Council adopt Resolution 15-36 in support of placing an opinion question on the ballot, and giving the opportunity for both sides to express their opinion about the RAMP tax.

Mayor Stevenson asked Gary Crane, City Attorney, at what point and time would the Council have to be careful with what they could and couldn’t say regarding the RAMP tax.

Gary Crane said State law did not preclude, entirely, the City from advancing an issue that was on the ballot. He said the Council had unlimited ability to be able to take a position on any ballot issue, but they couldn’t use City resources to do that. Gary said 65 days prior to the election the ballot must be printed and the wording must be placed on the ballot. He said as soon as the language was officially placed on the ballot, the City’s resources would no longer be able to be used for that purpose. Gary said until that point, the City was able to educate individuals on the issue. He said even beyond that point, the City could provide for both positions to be addressed in meetings that were perhaps held where both sides were given equal opportunity to be able to express pro and con views regarding the item on the ballot. Gary said it wasn’t as simple as saying that the City couldn’t be involved at all, because it could be and had an obligation to educate, but it meant that both positions beyond a certain point must be presented, and one could not be advocated over the other.

Mayor Stevenson said for example, in the second week in October, the City wanted to put out a general information letter with the pros and cons. He said relative to the con side, who would the City approach to get that information.

Gary said State Code didn’t anticipate this type of election; very often there was a referendum or initiative

that was adversarial in nature. He said if there was someone that expressed an interest in taking the opposing side, that individual could put together a group and ask that a response be placed on the negative side of the argument pertaining to the ballot proposition. Gary said the City would leave that invitation open to whoever wished to do that. He said an information pamphlet would be delivered to every residence in Layton before the election.

Councilmember Francis asked if the City would advertise that there was an opposing side to be filled.

Gary said there was no obligation to advertise, but the Council could do what they liked in inviting individuals to do that.

Councilmember Petro said trails would be included as part of the parks.

Scott said that was correct.

MOTION: Councilmember Brown moved to approve Resolution 15-36. Councilmember Petro seconded the motion, which passed unanimously.

Councilmember Brown left the meeting at 7:16 p.m.

ACQUISITION OF PROPERTY TO ACCOMMODATE A FRONTAGE ROAD ALONG THE I-15 CORRIDOR – NORTH OF ANTELOPE DRIVE AND WEST OF UNIVERSITY PARK BOULEVARD – RESOLUTION 15-34

Gary Crane explained the location of the property that was involved in this item. He said the City had designed and started building an access road and discovered that 8 more inches of property was needed. Gary said this was acknowledgement of receipt of that property, and Staff recommended approval.

RENEWAL AND EXTENSION OF LEASE AGREEMENT WITH THE STATE OF UTAH FOR THE JUSTICE CENTER BUILDING – RESOLUTION 15-35

Gary Crane said the State of Utah had approached the City with an extension of the lease agreement on the court building. He said it would be for the same square footage and the same price for the next 7 years. Gary said Staff recommended approval of Resolution 15-35.

PRELIMINARY PLAT – LAYTON FARMS SUBDIVISION – APPROXIMATELY 1600 NORTH 2200 WEST

Bill Wright, Community and Economic Development Director, said this was preliminary plat approval for Layton Farms Subdivision located at approximately 1600 North 2200 West. He said the applicant was Chris Look. Bill said the property contained approximately 8.65 acres and had frontage along 2200 West, and was located between the D&RG Rail Trail and the UP/UTA tracks. He said the proposal was for a commercial subdivision consisting of 3 lots. He said lots 1 and 2 would be developed with storage units and lot 3 would remain vacant for future development of additional storage units or office/warehousing. Bill said the plat would provide for dedication of a road to allow access to the lots. He said the City was negotiating with the developer to purchase a portion of property for a trailhead for the D&RG Rail Trail. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

MOTION: Councilmember Freitag moved to approve Items A, B, and D of the Consent Agenda as presented. Councilmember Day seconded the motion, which passed unanimously.

PUBLIC HEARINGS:

REZONE REQUEST – ADAMS/CRAYTHORNE – A (AGRICULTURE) TO R-1-8 (SINGLE FAMILY RESIDENTIAL) – APPROXIMATELY 752 WEST GENTILE STREET – ORDINANCE 15-15

Mayor Stevenson said there had been some ongoing negotiations on this item and the developer had asked that it be continued for two weeks.

Councilmember Day asked if this significantly changed in any way to what the Planning Commission reviewed, would it need to go back to the Planning Commission before it came to the Council.

Gary said once it was in the Council's hands, they could make that decision. He said there was no requirement that it go back to the Planning Commission.

Mayor Stevenson said if there were negotiations with land being traded, would that need to go back to the Planning Commission.

Gary said typically it would only need to go back to the Planning Commission if more property was added to the proposal that was not considered in the original application. He said if it was the same amount of property or smaller it wouldn't need to go back.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Freitag moved to continue this item to a date certain of June 18, 2015. Councilmember Francis seconded the motion, which passed unanimously.

The meeting adjourned at 7:26 p.m.

Thieda Wellman, City Recorder